

APPEAL NO. 031643  
FILED AUGUST 12, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 29, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) impairment rating (IR) is 10% as certified in a second report by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appeals, contending that the 10% IR assigned by the designated doctor is too low. The respondent (carrier) requests affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant reached maximum medical improvement on July 29, 2002, for his compensable injury of \_\_\_\_\_. For a claim for workers' compensation benefits based on a compensable injury that occurs before June 17, 2001, Section 408.125(e) provides that if the designated doctor is chosen by the Commission, the report of the designated doctor shall have presumptive weight, and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. The hearing officer found that the great weight of the medical evidence is not contrary to the 10% IR assigned to the claimant by the designated doctor in his second report and that the designated doctor's second report is entitled to presumptive weight. The claimant contends that the 10% IR is too low. There is conflicting evidence with regard to the claimant's IR. Various doctors have assigned the claimant IRs from 0% to 19%. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case on the disputed issue of the claimant's IR, we conclude that the hearing officer's decision that the claimant's IR is 10% as certified by the designated doctor in his second report is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL, CLAIMS MANAGER  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Veronica Lopez-Ruberto  
Appeals Judge